

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS; LOCAL NO. 43 PENSION,  
ANNUITY and HEALTH AND WELFARE FUNDS, by  
Paul Kloc, as Plan Manager; CENTRAL NEW YORK  
JOINT APPRENTICESHIP AND TRAINING COMMITTEE  
FOR THE ELECTRICAL INDUSTRY, by Peter Dulcich, as  
Training Director; NATIONAL ELECTRICAL BENEFIT  
FUND, by D.R. Borden, Jr. and Jon F. Walters, as Trustees;  
CENTRAL NEW YORK LABOR MANAGEMENT  
COOPERATION COMMITTEE, by William Towsley and  
John Kogut, as Trustees; NECA-IBEW NATIONAL  
LABOR-MANAGEMENT COOPERATION COMMITTEE  
TRUST FUND, by Ben Cook and Edwin D. Hill, as Trustees;  
I.B.E.W. LOCAL UNION NO. 43, by William Towsley, as  
Business Manager; FINGER LAKES NEW YORK CHAPTER,  
NATIONAL ELECTRICAL CONTRACTORS ASSOCIATION,  
by Marilyn Oppedisano, Chapter Manager,

**CIVIL NO: 06-CV-0286**  
(NAM/GJD)

Plaintiffs,

vs.

JPL ELECTRIC, INC.,

Defendant.

**Hon. Norman A. Mordue, Chief U.S. District Court Judge**

**MEMORANDUM DECISION AND ORDER**

Plaintiffs having duly moved this Court for entry of default judgment, pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure, in favor of plaintiffs and against defendant JPL Electric, Inc.,

And, the said motion have regularly come on to be heard.

**NOW**, upon reading and filing the Notice of Motion, dated the December 6, 2006 (Dkt. No. 10); the Amended Notice of Motion with a Certificate of Service for service on December 20, 2006 (Dkt. No.13); the Affidavit of Paul Kloc, sworn to the 21<sup>st</sup> day of November, 2006; the

Affidavit of Michael J. Reed, sworn to the 4<sup>th</sup> day of December, 2006; the Affidavit of William Towsley, sworn to the 21<sup>st</sup> day of November, 2006; the Affidavit of Marilyn M. Oppedisano, sworn to the 4<sup>th</sup> day of December, 2006; the Affidavit of Peter Dulcich, sworn to the 22<sup>nd</sup> day of November, 2006; the Affidavit of Joseph W. McCarthy, sworn to the 30<sup>th</sup> day of November, 2006; the Affidavit of Linda L. DeMacy, sworn to the 14<sup>th</sup> day of November, 2006; the Affidavit of Jennifer A. Clark, sworn to the 14<sup>th</sup> day of November, 2006, together with the Summons and Complaint, and the Entry of Default on April 24, 2006 (Dkt. No. 6), all in support of said motion, and upon all the proceedings heretofore had herein, and defendant JPL Electric, Inc., having failed to plead or otherwise defend this action; and

**NOW** on motion of Blitman & King LLP, Jennifer A. Clark, of counsel, and after due deliberation having been had thereon, it is

**ORDERED** that the motion be and the same hereby is granted in all respects, and that judgment by default be entered in this action in favor of plaintiffs and against the defendant JPL Electric, Inc., for the relief demanded in the Complaint herein together with the costs and disbursements of this proceeding, and it is further

**ORDERED** that judgment be entered herein by the Clerk of the Court in favor of the plaintiffs and against the defendant JPL Electric, Inc., for the sum of \$122,466.34, plus interest thereon at the rate provided for by 28 U.S.C. Section 1961(a), and that Plaintiffs have execution therefore, and it is further

**ORDERED** that the Motion by the Court to Dismiss the action for Lack of Prosecution (Dkt.No. 9), is dismissed as moot.

DATED: January 29, 2007

  
Norman A. Mordue  
Chief United States District Court Judge